REMARKS

Claims 1-20 are currently pending in the application. Claims 1-20 are rejected. The Examiner's objections and rejection are addressed below.

35 USC §112 Rejection

Claims 1, 8 and 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner argues that the claims are indefinite because it is not clear if the database that a user searches (referenced in an earlier claim step) is the same database that is subsequently adjusted (in a later step). *See* Office Action, p. 2. The Examiner's indefiniteness argument, however, is belied by the claim language itself. Consider claim 1, for example. Claim 1 introduces the term "database" in the second claim element, which specifies comparing at least a portion of the received search term to one or more entries stored in a database. This "database" term is again referenced in the last claim element, which states that information is received to adjust at least one entry stored in "the" database. The presence of the word "the" in this last claim element makes clear that the "database" that is being referenced here is the same database that was introduced earlier in the second claim element. Thus, the plain claim language makes clear that there is no ambiguity with respect to the term "database." As such, claim 1 is definite. For similar reasons, claims 8 and 14 are also definite. The Applicants, therefore, respectfully request the Examiner to withdraw the indefiniteness rejection.

35 USC §101 Rejection

Claims 1-20 are rejected under 35 U.S.C. 101 as directed to a non-statutory subject matter. Specifically, the Examiner argues that the claimed invention has no practical application and does not produce a tangible result. *See* Office Action, p. 3. The Applicants respectfully

disagree, and assert that the claimed invention has a practical application and produces tangible result(s), and hence is directed to statutory subject matter.

As described in the patent application, one or more embodiments of the present invention are directed to a method and apparatus for collecting user feedback from search queries, and this feedback can then be used to update a database to improve future search inquiries. *See, e.g.,* Patent Application, p. 9, lines 13-18. Indeed, the practical application and the resulting tangible result(s) described in the exemplary embodiments of the patent application are reflected in the pending claims. Consider claim 1, for example. Claim 1, in part, calls for receiving information associated with a monitored user action to <u>adjust an entry of a database</u>. By virtue of updating a database with useful user feedback, a tangible result (*e.g.,* an updated database) is thereby achieved. The practical application of having an updated database is that subsequent search inquiries will yield improved and more helpful results. *See, e.g.,* Patent Application, p. 9, lines 13-15 (stating that "more meaningful (or relevant) results are returned for each query" from an updated database). Thus, claim 1 has a practical application and also provides tangible results. The other pending claims similarly have practical applications and produce tangible results. Consequently, all of the pending claims are directed to statutory subject matter. The Examiner is therefore respectfully requested to withdraw the 35 USC §101 rejection.

35 USC §102 Rejection

The patent application has three independent claims, claims 1, 8, and 14, and the Examiner has rejected all three claims under 35 U.S.C. 102(e) as being anticipated by *Reisman* (U.S. Patent No. 6,954,755). The Applicants respectfully disagree.

One or more embodiments of the present invention are directed to providing an efficient way of updating a database such that the more meaningful (or relevant) results are returned for

search queries. *See* Patent Application, p. 9, lines 13-15. As explained in the Background Section, conventional methods of updating databases are generally inadequate because of the limited range of information that is collected through static algorithms to improve, or even optimize, the data that is stored in the databases. *See* Patent Application, p. 3, lines 14-21. To address this deficiency, the patent application describes the use of a feedback module to effectively collect information from a user performing search queries to update the database. In particular, in one embodiment, a copy of the feedback module is provided to the user's computer for execution to monitor the user's online activities. By actively monitoring the user's activities, a more thorough and comprehensive set of data can be collected. The information collected can then be utilized to update the database. Against this general backdrop, the claims are discussed next.

Claim 1 is representative, and is discussed first. Among other things, claim 1 calls for providing <u>a copy of a feedback module for execution on a processor-based device of the user</u> to monitor at least one online action of the user. *Reisman* does not teach at least this feature. In particular, *Reisman* does not teach providing a copy of a feedback module, such as a software utility, to the user's device for execution to monitor one or more of the user's online actions. Indeed, the Examiner admits that *Reisman* includes no such teaching. *See* Office Action, p. 6 (stating that the *Reisman* does not disclose providing a copy of the feedback module).

The Examiner appears to suggest, however, that *Marcjan* (US Pub. No. 2004/0254938) teaches, in ¶0056, the claimed feature of providing a copy of the feedback module. *See* Office Action, p.6. The Applicants respectfully disagree. Based on the plain claim language, a "feedback module," when executed, monitors the user's online action(s). *See* claim 1 (specifying providing a copy of <u>a feedback module for execution</u> on a processor-based device of the user <u>to</u>

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monitor at least one online action of the user). There is no such "feedback module" in *Marcjan*, and, as such, *Marcjan* cannot teach the claimed feature of "providing a feedback module," as the Examiner contends.

Paragraph 0056 of *Marcjan* discusses how objects (such as documents, photos, etc.) can be assigned a different level of importance relative to other objects. In particular, this paragraph describes various factors that can be taken into account when assessing the importance of a given object, factors such as how long a document remains open by a user, the amount of copying, duplication, or backups of objects that are done by the user. However, neither this paragraph nor any other portion of *Marcjan* describes a feedback module that, when executed, monitors at least one online action of the user, as specified by claim 1. The "objects" referenced in *Marcjan* are not even programs, much less programs that monitor online action(s) of a user. *See Marcjan*, ¶0005, (using the term "computer files" and "objects" to refer to different things).

Thus, *Marcjan*, like *Reisman*, fails to at least teach the claimed feature of providing a copy of a feedback module for execution on a processor-based device of the user to monitor at least one online action of the user. For at least this reason, claim 1 and its dependent claims are allowable. Moreover, the other pending claims are also allowable for at least this reason.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and, therefore, not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization.

Applicants respectfully assert that in light of the amendments and arguments provided throughout the prosecution of the present application, all claims of the present application are

now allowable and, therefore, request that a Notice of Allowance be issued. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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